

REMARKS

This is in reply to the Non-final Office Action dated December 31, 2009. Applicants respectfully assert that the instant claims, as amended, are in a condition for allowance and respectfully request allowance of the same.

Rejection under 35 U.S.C. 103(a)

Claims 1-4, 14-18, and 28 are presently pending and were all rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend et al. (WO 1999/10321). Specifically, Townsend was cited as disclosing the compounds SI-73 and HIII-302. While neither was actually recited within the Markush group of claims 1 and 15, it was argued that the claimed compound VIII is an obvious modification of these two structures. Townsend was further argued to disclose the use of these two compounds to treat mycobacterium infections in humans, thus rendering inherent the recited methodology of the claims.

Applicants have amended independent claims 1 and 15 to incorporate the proviso that the compound is not of the formula $R-SO_n-Z-CO-Y$, where each element is defined as provided. Support for this amendment may be found in at least the originally filed claims 1 and 15, so as not to introduce new matter under MPEP 2163.06. Applicants respectfully note that this provision expressly excludes from the claim the compounds disclosed in Townsend et al. Accordingly, and for at least this reason, Applicants assert that the instant rejection is traversed.

CONCLUSION

Applicants respectfully submit that this Response addresses the issues of the Non-Final Office Action of December 31, 2009 in full, and the present claims are in condition for allowance. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (215) 299-2772 to discuss any additional rejections.

Applicants believe that no fees are currently required to further the prosecution of this application. If any fees are due, however, please charge such fees to Deposit Account No. 50-1943.

Respectfully submitted,

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